## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION 1:19-cv-293-RJC

ROBERT MICHAEL TUTTLE,	)	
Plaintiff,	)	
v.	)	ORDER
ANDREW M. SAUL,	ý	<u> </u>
Commissioner of Social Security	)	
Administration,	)	
D.C. I	)	
Defendant.	)	

THIS MATTER is before the Court on Plaintiff's Motion for Extension of Time, (Doc. No. 7), and Plaintiff's unopposed Motion to Dismiss. (Doc. No. 8.) This is an action seeking Title II disability benefits pursuant to 42 U.S.C. § 206. (Doc. No. 1 at 2.) Plaintiff filed a motion requesting dismissal of the case with prejudice pursuant to Federal Rule of Civil Procedure 41(a)(2). (Doc. No. 8 at 1.)

Plaintiff states that this case was previously heard under case number 1:18-cv-22-DCK, in which case the parties consented to remand of the case for further consideration. (Id.; Case. No. 1:18-cv-22 Doc. No. 17.) As a result Plaintiff requests that this civil action be dismissed with prejudice. (Doc. No. 8 at 2.) Defendant has not objected to the motion.

Plaintiff has properly requested that this action be dismissed with prejudice, and this Court will grant the motion. Fed. R. Civ. P. 41(a)(2). Given that the case will be dismissed at the agreement of the parties, Plaintiff's Motion to Extend Time by 21 days will be denied as moot.

## IT IS, THEREFORE, ORDERED that:

- Plaintiff's Motion for Extension of Time, (Doc. No. 7), is **DENIED as** moot, and
- 2. Plaintiff's Motion to Dismiss, (Doc. No. 8), is **GRANTED**.
- 3. Plaintiff's Complaint is dismissed with prejudice.
- 4. The Clerk is directed to close the case.

## IT IS SO ORDERED.

Signed: March 31, 2021

Robert J. Conrad, Jr.

United States District Judge